

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

EDWARD DUFFIN,

Plaintiff,

Civil Action No.  
08-CV-10419

vs.

HON. BERNARD A. FRIEDMAN

WASHTENAW SHERIFF  
DEPARTMENT,

Defendant.

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**OPINION AND ORDER ACCEPTING AND ADOPTING  
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

This matter is presently before the court on defendant's motion to dismiss [docket entry 10]. Plaintiff has not responded. Magistrate Judge Mona K. Majzoub has submitted a report and recommendation in which she recommends that the motion be granted. Neither party has filed objections.

Having reviewed the complaint and defendant's motion to dismiss, the court concludes that the magistrate judge has correctly analyzed the relevant legal issues. As the magistrate judge notes, dismissal of the complaint is required in this case because the only named defendant, Washtenaw Sheriff Department, is not a legal entity capable of being sued. Even if a sheriff's department were such an entity, the complaint makes no allegations against the sheriff's department. Rather, plaintiff alleges that he was denied medical care by unnamed "Washtenaw County Jail Health care service unit personnel." Accordingly,

IT IS ORDERED that Magistrate Judge Majzoub's report and recommendation is

hereby accepted and adopted as the findings and conclusions of the court.

IT IS FURTHER ORDERED that defendant's motion is granted and the complaint  
is dismissed.

s/Bernard A. Friedman \_\_\_\_\_  
**BERNARD A. FRIEDMAN**  
**CHIEF UNITED STATES DISTRICT JUDGE**

Dated: June 12, 2008

Detroit, Michigan

I hereby certify that a copy of the foregoing document  
was served upon counsel of record by electronic and/or first-class mail.

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s/Carol Mullins  
Case Manager to Chief Judge Friedman